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Court-Appointed Class Counsel

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RALPH DEMMICK, on behalf of himself and
all others similarly situated; DONALD
BARTH, on behalf of himself and all others
similarly situated,

Plaintiffs,

v.

CELLCO PARTNERSHIP, a Delaware
General Partnership doing business as Verizon
Wireless; and DOES 1 through 10,

Defendant.

Civ. Act. No. 06-2163

ORDER APPROVING PLAN FOR
DISTRIBUTION OF THE RESIDUAL SETTLEMENT FUND

The Court, having reviewed the Motion for Order Approving Plan for Distribution of the Residual Settlement Fund as supported by the Statement of Recommendation by Class Counsel, the Declaration of Jenny E. Shawver and the Declaration of J. Paul Gignac, and finding the Plan for Distribution of the Residual Settlement Fund to be fair, reasonable, and in the best interests of the Settlement Class Members (as defined herein, in the Settlement Agreement, in the Preliminary Approval Order, and in the Final Approval Order in this case), hereby ORDERS, ADJUDGES, and DECREES as follows:

DEFINED TERMS

1. "Settlement Classes" consist of: (a) the FSP Settlement Class as defined in the Settlement Agreement, as defined and certified in the Preliminary Approval Order, and as designed and certified in the Final Approval Order; and (b) the In-Network Settlement Class as defined in the Settlement Agreement, as defined and certified in the Preliminary Approval Order, and as designed and certified in the Final Approval Order.
2. "Settlement Class Members" refers to the members of the FSP Settlement Class and/or the In-Network Settlement Class.
3. "Settlement Administrator" refers to KCC, LLC, the court-appointed settlement administrator in this action.
4. "Residual Cash Fund" refers to the \$4,443,089.88 in cash that remains in the Qualified Settlement Fund ("QSF") that is being administered by the Settlement Administrator in this action and that is comprised primarily of \$4,411,366.33 in checks that were never cashed by Settlement Class Members in connection with the distribution of the original Settlement Fund because they were either returned to the Settlement Administrator undeliverable or not cashed by the Settlement Class Members within ninety (90) days of the date of distribution as required by

paragraph 16 of the Court's Order Approving Plan of Allocation and Distribution of Settlement Fund (Doc. 184) (the "Settlement Allocation/Distribution Order").

5. "Residual Calling Units Fund" refers to: (a) 20,298 PINs that were mailed to members of the In-Network Settlement Class and that were returned to the Settlement Administrator as undeliverable and, therefore, deemed to have been forfeited by those members of the In-Network Settlement Class under paragraph 17 of the Settlement Allocation/Distribution Order; and (b) \$193,693.20 in calling units that could not be distributed to the members of the In-Network Settlement Class due to the rounding that took place in determining the equal amount of calling units to be allocated to each member of the In-Network Settlement Class.

6. "Residual Settlement Fund" refers to the Residual Cash Fund and the Residual Calling Units Fund, together.

COURT ORDERED DISBURSEMENTS

7. The Settlement Administrator shall make the following disbursements from the Residual Cash Fund:

a. \$399,610.42 in fees and expenses incurred or to be incurred by the Settlement Administrator for settlement administration services performed or to be performed in connection with the distribution of the Residual Cash Fund.

8. The amount remaining after the disbursement in paragraph 7 above shall be referred to as the "Net Residual Cash Fund".

IDENTIFICATION OF SETTLEMENT CLASS MEMBERS ELIGIBLE TO RECEIVE A DISTRIBUTION FROM THE NET RESIDUAL CASH FUND

9. The Settlement Administrator shall prepare a list identifying each member of the Settlement Classes who was paid a cash benefit (by check or bill credit) under the Settlement.

10. The Settlement Administrator will then remove from that list any member of the Settlement Classes who:

- a. Did not cash a settlement check that was mailed to him/her; or
- b. Did not receive a settlement check that was mailed to him/her because the check was returned “undeliverable” and the Settlement Administrator was unable to ascertain a forwarding address for the settlement class member.

11. The list that results from the work of the Settlement Administrator under paragraphs 9 and 10 above shall be referred to as the Residual Cash Fund Class Member List.

**CALCULATION AND DISTRIBUTION OF RESIDUAL CASH AMOUNT
TO PERSONS ON THE RESIDUAL CASH FUND CLASS MEMBER LIST**

12. The Settlement Administrator shall calculate the amount of the residual cash payment to be paid to each person listed on the Residual Cash Fund Class Member List by dividing the Net Residual Cash Fund under paragraph 8 above by the total number of persons listed on the Residual Cash Fund Class Member List. The Settlement Administrator shall then make a residual cash payment (by check or bill credit in accordance with paragraphs 13 and 14 below) in an equal amount to each person listed on Residual Cash Fund Class Member List.

13. For all persons listed on Residual Cash Fund Class Member List who are still “Distribution Customers” as defined in the Settlement Agreement (*i.e.* current Verizon Wireless customers), the residual cash payment shall be paid to them by Verizon Wireless by means of a bill credit, in accordance with the procedures set forth in Article IV.3 of the Settlement Agreement.

14. For all persons listed on Residual Cash Fund Class Member List who are not Distribution Customers as defined in the Settlement Agreement (*i.e.* former customers of Verizon Wireless), the residual cash payment shall be paid to them by the Settlement

Administrator by means of a check mailed to the last known mailing address of each such person.

DONATION OF PINS IN THE RESIDUAL CALLING UNITS FUND TO ONE OR MORE CHARITABLE ORGANIZATIONS

15. Because the number of members of the In-Network Settlement Class far exceeds the number of PINs available for distribution in the Residual Calling Units Fund and because the expense of reissuing the PINs in smaller denominations in order to ensure that each member of the In-Network Settlement Class receives an equal share of the calling units in the Residual Calling Units Fund is cost prohibitive, Class Counsel shall make their best efforts to locate one or more charitable organizations that are willing to accept some or all of the PINs and to use them in a manner that is beneficial to the individuals whose needs are served by those charitable organizations.

RETURNED AND/OR UNCASHED RESIDUAL CASH FUND PAYMENTS

16. In order to encourage every person listed on the Residual Cash Fund Class Member List who receives a residual cash payment in the form of a check to promptly cash the check, each such check shall bear the following notation: "CASH THIS CHECK PROMPTLY. IT IS VOID IF NOT CASHED BY 90 DAYS AFTER THE DISTRIBUTION DATE."

17. Any check issued to a person listed on the Residual Cash Fund Class Member List that is returned to the Settlement Administrator as undeliverable or that is not cashed by that person within ninety (90) days of the date of issuance of the check shall be deemed to have been forfeited by that person.

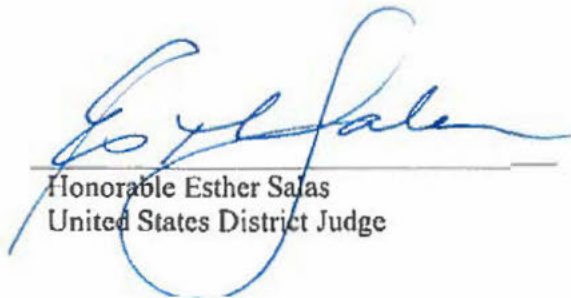
DONATION OF UNDISTRIBUTED RESIDUAL CASH FUND

18. Any amount of the Residual Cash Fund that is not distributed to persons listed on the Residual Cash Fund Class Member List shall be donated in equal shares to The Teddy Bear

Cancer Foundation and The Dream Foundation including, but limited to: (a) the amount of all checks deemed to be forfeited under paragraph 17 above; (b) any amount that is unspent by the Settlement Administrator from the disbursement authorized under paragraph 7.a. above; (c) any amount that could not be distributed because it amounted to less than one cent for each of the persons listed on the Residual Cash Fund Class Member List; and (d) any interest earned by the Qualified Settlement Fund after the date of distribution of the Residual Cash Fund.

IT IS SO ORDERED.

Dated: October 26, 2018



Honorable Esther Salas
United States District Judge